

# Exhibit A

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
WACO DIVISION

PAYPAL, INC.

*Plaintiff and Counterclaim  
Defendant,*

v.

RETAILMENOT, INC.,

*Defendant and Counterclaim  
Plaintiff.*

Civil Action No.: 6:20-cv-339-ADA

**JURY TRIAL DEMANDED**

**JOINTLY PROPOSED SCHEDULING ORDER**

The Court **ORDERS** that the following schedule will govern deadlines in this case PayPal, Inc. v. RetailMeNot, Inc. (6:20-cv-00339-ADA):

<b>Deadline</b>	<b>Item</b>
07/31/2020	Deadline for Motions to Transfer
09/04/2020	Defendant serves preliminary invalidity contentions in the form of (1) a chart setting forth where in the prior art references each element of the asserted claim(s) are found, (2) an identification of any limitations the Defendant contends are indefinite or lack written description under section 112, and (3) an identification of any claims the Defendant contends are directed to ineligible subject matter under section 101. Defendant shall also produce (1) all prior art referenced in the invalidity contentions, (2) technical documents, including software where applicable, sufficient to show the operation of the accused product(s), and (3) summary, annual sales information for the accused product(s) for the prior two years, unless the parties agree to some other timeframe.
09/11/2020	Plaintiff / Counterclaim Defendant serves preliminary invalidity contentions in the form of (1) a chart setting forth where in the prior art references each element of the asserted claim(s) are found, (2) an identification of any limitations the Plaintiff contends are indefinite or lack written description under section 112, and (3) an identification of any claims the Plaintiff contends are directed to ineligible subject matter under section 101.

	Plaintiff shall also produce (1) all prior art referenced in the invalidity contentions, (2) technical documents, including software where applicable, sufficient to show the operation of the accused product(s), and (3) summary, annual sales information for the accused product(s) for the prior two years, unless the parties agree to some other timeframe.
09/25/2020	Parties exchange claim terms for construction
10/02/2020	Parties exchange proposed claim constructions
10/09/2020	Parties disclose extrinsic evidence. The parties shall disclose any extrinsic evidence, including the identity of any expert witness they may rely upon with respect to claim construction or indefiniteness. With respect to any expert identified, the parties shall also provide a summary of the witness's expected testimony including the opinions to be expressed and a general description of the basis and reasons therefore. A failure to summarize the potential expert testimony in a good faith, informative fashion may result in the exclusion of the proffered testimony. With respect to items of extrinsic evidence, the parties shall identify each such item by production number or produce a copy of any such item if not previously produced.
10/16/2020	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions
10/23/2020	Parties file Opening claim construction briefs, including any arguments that any claim terms are indefinite.
11/13/2020	Parties file Responsive claim construction briefs.
12/01/2020	Parties file Reply claim construction briefs.
12/07/2020	Parties submit Joint Claim Construction Statement. In addition to filing, the parties shall jointly submit, via USB drive, cloud-storage, or email to the law clerk pdf versions of all as-filed briefing and exhibits. Absent agreement of the parties, the Plaintiff shall be responsible for the timely submission of this and other Joint filings.
12/16/2020	<i>Markman</i> Hearing at 9:00 a.m.
12/17/2020	Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).
01/27/2021	Deadline to add parties
02/10/2021	Deadline to serve Final Infringement and Invalidity Contentions. After this date, leave of Court is required for any amendment to Infringement or Invalidity contentions. This deadline does not relieve the Parties of their obligation to seasonably amend if new information is identified after initial contentions.
03/10/2021	Deadline to amend pleadings. A motion is not required unless the amendment adds patents or claims.
06/18/2021	Deadline for first of two meet and confers to discuss significantly narrowing the number of claims asserted and prior art references at issue. Unless the parties agree to the narrowing, they are

	ordered to contact the Court's Law Clerk to resolve the disputed issues.
07/14/2021	Close of Fact Discovery
07/21/2021	Opening Expert Reports
08/18/2021	Rebuttal Expert Reports
09/08/2021	Close of Expert Discovery
09/15/2021	Deadline for second of two meet and confers to discuss narrowing the number of claims asserted and prior art references at issue to triable limits. To the extent it helps the parties determine these limits, the parties are encouraged to contact the Court's Law Clerk for an estimate of the amount of trial time anticipated per side. The parties shall file a Joint Report within 5 business days regarding the result of the meet and confer.
10/06/2021	Dispositive motion deadline and <i>Daubert</i> motion deadline.
10/20/2021	Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations)
11/03/2021	Serve objections to pretrial disclosures/rebuttal disclosures
11/17/2021	Serve objections to rebuttal disclosures and File Motions <i>in limine</i>
11/23/2021	File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, discovery and deposition designations); file oppositions to motions <i>in limine</i>
12/01/2021	Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i> .
12/08/2021	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> .
To be set by Court (or as soon as practicable)	Final Pretrial Conference. The Court expects to set this date at the conclusion of the <i>Markman</i> Hearing.
2/14/2022 (or as soon as practicable) <sup>1</sup>	Jury Selection/Trial. The Court expects to set this date at the conclusion of the <i>Markman</i> Hearing.

ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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ALAN D ALBRIGHT  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> If the actual trial date materially differs from the Court's default schedule, the Court will consider reasonable amendments to the case schedule post-*Markman* that are consistent with the Court's default deadlines in light of the actual trial date.